



DEFENSE INTELLIGENCE AGENCY
WASHINGTON, D.C. 20301

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8 NOV 1978

MEMORANDUM FOR THE CHAIRMAN, DCI SECURITY COMMITTEE

SUBJECT: SCI Denials Working Group - Final Report on Appeal Procedures

1. Since August 1978, the SCI Denials Working Group (SCIDWG) has held several meetings based on tasking from the Chairman, Security Committee, to draft due process/appeal procedures in the SCI clearability process.

2. From the outset, there was considerable disagreement over the need for formal appeal procedures. The DoD members felt that DoD security policy already observed due process, while other member agencies did not. In this context, the question of whether access to SCI is a privilege was often raised.

3. In September 1978, the DoD members drafted a proposal for a change to DCID 1/14 which would incorporate the following:

"Each Senior Intelligence Officer shall establish formal procedures ensuring that individuals denied access to SCI are notified of the decision and are afforded a reasonable opportunity to respond."

Although the Chairman, SECOM, advised that a more detailed procedure was needed, DoD members of the SCIDWG still feel that insertion of this statement would protect the rights of the individual while sustaining the equity of each agency or department.

4. In October 1978, a more comprehensive and detailed procedure was drafted by the undersigned, based on input from DIA and the Military Departments. NSA participated in all meetings, but made it clear that it does not agree in the basic concept of an appeal procedure for SCI inasmuch as there are already well established and frequently used avenues of relief for individuals who have been denied access.

5. At a plenary session of the Working Group, on 25 October 1978, the expanded DoD draft (as Annex B to DCID 1/14) was submitted and objections were raised on such grounds as: legal necessity; requirement for notification of denial; concern over confidentiality of sources; and a perceived administrative burden. The strongest objection was registered when OGC, CIA, suggested that the DCI act as final authority in the appeal process. Obviously, the membership is convinced that each SIO is fully capable of administering due process within his department or agency.

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6. In view of the above, draft Annex B to DCID 1/14 has been revised to incorporate changes requested by various members of the Working Group and is submitted herewith for consideration by the Security Committee at its next meeting (enclosure 1).

7. I should like to thank the members of the Working Group for their valuable assistance and also [redacted] Community Security Group, for his outstanding support. I appreciate the opportunity to participate in these important endeavors.

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1 Enclosure a/s

[redacted]
Acting Chairman
SCI Denials Working Group